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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,092	12/04/2001	David Boloker	YOR920000832US2 (8728-526	5206

		EXAMINER
7590	03/18/2005	TRUONG, LECHI

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/007,092	DAVID BOLOKER
	Examiner	Art Unit
	LeChi Truong	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) *1-6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   Claims 7-22 are presented for the examination. Claims 1-6 are withdraw from

further consideration by the examiner, 37 CFR 1.142(b), as being draw to a non-elected

invention. Applicant is reminded that non-elected claims need to be canceled.

Election/Restrictions

2.   Restriction to one for following inventions is required under 35 U.S.C. 121:

I.   Claims 1-6 are drawn to invoking graphic user interface, classified in class 715, and

subclass 762.

II.   Claims 7-22 are drawn to invoking event notification, classified in class 719, subclass

318.

The inventions are distinct, each from the other because of the following reasons.

Invention II and I are related as subcombinations disclosed as usable together in a single

combination. The subcombinations are distinct from each other if they are shown to be

separately usable. In the instance case, invention I have separate utility such as dynamic linking

without using load balancing, and invention II has separate utility such as load balancing without

using dynamic linking. See MPEP 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, different searches and their

recognized divergent subject matter, and the search required for group I is not required for group

II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Frank V. DeRose, a provisional election was

made with traverse to prosecute the invention of II, claims 7-22. Applicant in responding to this

Office action must make affirmation of this election. Claims 1-6 are withdraw from further

consideration by examiner, 37 CFR 1.142(b), as being draw to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3.   Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

      a.   The claim language in the following claims is not clearly understood:

      i.   As to claim 17, it is not clearly understood Dom interface is the same as DOM or

different from DOM. Where is wrapper interface locates? Who is managing DOM? How

the relationship is between a wrapper interface and an audio system and the relationship

is between speed data and events. Where speed data come from. Where is a multi-modal

shell locates?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 7-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narin et

al (US. Patent 6,691,176 B1) in view of Anupam et al (US. Patent 6,535,912 b1) and further in

view of Papierniak et al (US. 6,317,794 B1).

5.   **As to claim 1**, Narin teaches the invention substantially as claimed including: a plurality

of modality-dependent browsers (different browser brands, col 6, ln 50-55/ col 7, ln 8-15/ col 11,

ln 64-68), a multi-modal shell (connector object 194, col 11, ln 50-55), a modality independent

application (services, col 5, ln 17-22/a service manager, col 6, ln 29-33), a muti-modal shell for

parsing and processing a modality-independent application (col 11, ln 50-58/ col 12, ln 20-26),

managing event (col 12, ln 20-25), a wrapper interface comprising protocols for supporting of

the browser(col 14, ln 38-40).

6.   Narin does not explicit teach an API (application programming interface) for controlling

the browser and for managing events. However, Anupam teaches an API (application

programming interface) for controlling the browser and for managing events (the Document

Object Model (DOM) API supported by the browser to access and modify that page, installs

event handler, col 5, ln 40-44/ track a user event access any web page via DOM API, col 6, ln 3-

5).

7.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Narin and Anupam because Anupam's API (application

programming interface) for controlling the browser would improve the flexibility of Narin's

system by allowing the browser to select events information relating to the events.

8.   Narin and Anupam do not teach the term across each view generated by the plurality of

modality browser, synchronization. However, Papierniak teaches across each view generated by

the plurality of modality browser (the multiple client browsers may access a web server which

contains specific information of predetermined criteria for presenting the view to the client, col

9, ln 59-64), synchronization (multiple client browser for the synchronization of the multiples

simultaneous information presences with the different views, col 10, ln 52-55).

9.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Narin, Anupam and Papierniak because Papierniak's across

each view generated by the plurality of modality browser, synchronization would improve the

integrity of Narin and Anupam's system by allowing synchronization of multiple information

and presence them with different views.

10.   **As to claim 8,** Anupam teaches a DOM (document object model), interface (col 40, ln

40-43).

11.   **As to claim 9,** Narin teaches event filtering (col 13, ln 45-50).

12.   **As to claim 10,** Papierniak teaches the multi-modal shell maintains and updates a dialog

state of the application (col 9, ln 34-40).

13.   **As to claim 12,** Narin teaches a distributed framework (col 7, ln 40-42).

14.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narin et al (US.

Patent 6,691,176 B1) in view of Anupam et al (US. Patent 6,535,912 b1) in view of Papierniak et

al (US. 6,317,794 B1), as applied to claim 1 above, and further in view of Scott M.

Lewandowski (Frameworks for component-based client/server computing).

15.   **As to claim 11,** Narin, Anupam, Papierniak do not teach fat client framework. However,

Lewandowski teaches fat client framework (sec: 2.4, ln 15-17).

16.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine teaching of Narin, Anupam, Papierniak and Lewandowski because

Lewandowski's fat client would easily help modify complex front-ends of the system.

17.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narin et al (US.

Patent 6,691,176 B1) in view of Anupam et al (US. Patent 6,535,912 b1) in view of Papierniak et

al (US. 6,317,794 B1), as applied to claim 1 above, and further in view of Kurganov et al (US

6,721,705 B2).

18.   **As to claim 15,** Narin, Anupam and Papierniak do not teach WML browser, voiceXLM

browser. However, Kurganov teaches WML browser, voiceXLM browser (the voice browser of

the preferred embodiment may use any type of mark-up language, including XML, WML, col

17, ln 21-27).

19.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine teaching of Narin, Anupam, Papierniak and Kurganov because

Kurganov 's WML browser, voiceXLM browser would improve the integrity of Narin, Anupam

and Papierniak's system by allowing different browser to have access to the system.

20.   Claims **16, 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Narin et al

(US. Patent 6,691,176 B1) in view of Anupam et al (US. Patent 6,535,912 b1) in view of

Papierniak et al (US. 6,317,794 B1), as applied to claim 1 above, and further in view of Bennett

et al (US. Patent 6,615,172 B1).

21.   As to claim 16, Narin, Anupam and Papierniak do not teach an audio system for

capturing and encoding speed data by a plurality of speed engines. However, Bennett teaches an

audio system having a plurality of speed engines for capturing (this speed utter-ance is captured,

col 10, ln 57-60), and encoding speed data (the nature language engine configured generating, a

query formulation engine adapter to convert, col 28, ln 48-55).

22.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Narin, Anupam, Papierniak and Bennett because Bennett's

speed engines for processing speed data would improve the throughput of Narin, Anupam and

Papierniak'system by allowing separate processing engines to handle different tasks.

23.   As to claim 17, it is an apparatus claim of claims 1 and 16; therefore, it is rejected for the

same reasons as claims 1 and 16 above. In additional, Papierniak teaches a voice browser (col 9,

ln 60 – 67).

24.   Claims **18-19 and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Narin et al (US. Patent 6,691,176 B1), Anupam et al (US. Patent 6,535,912 b1), in view of

Papierniak et al (US. 6,317,794 B1), as applied to claim 1 above, in view of Bennett et al (US.

Patent 6,615,172 B1), and further in view of Kurganov et al (US 6,721,705 B2).

25. **As to claim 18,** Narin, Anupam, Papierniak and Bennett do not teach WML browser, voiceXLM browser. However, Kurganov teaches WML browser, voiceXLM browser (the voice browser of the preferred embodiment may use any type of mark-up language, including XML, WML, col 17, ln 21-27).

26. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine teaching of Narin, Anupam, Papierniak, Bennett and Kurganov because Kurganov 's WML browser, voiceXLM browser would maintain a database containing a list of information sources.

27. **As to claim 19,** Papierniak teaches a local client device and the speed application server is distributed over a network (local network 122, Fig. 1).

28. **As to claim 21,** Bennett teaches remote control of the engines for server side speed processing (col 11, ln 3-8).

29. **As to claim 22,** Narin teaches distributed over the network (col 7, ln 38-42).

Allowable Subject Matter

30. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

31. Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

March 16, 2005

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